

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION**

Aiken Hospitality Group, LLC, ) Civil Action No.: 1:16-cv-03093-JMC  
                                  )  
                                  )  
Plaintiff,                    )  
                                  )  
                                  )  
v.                             )  
                                  )  
                                  )  
HD Supply Facilities Maintenance, Ltd., )  
                                  )  
                                  )  
Defendant.                    )  
                                  )

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**ORDER**

This matter is before the court to address Plaintiff's Objections to Defendant's Exhibits. (ECF No. 202-1 at 2–9.) “As a general matter, . . . the Federal Rules of Evidence, and not state law, govern the admissibility of evidence in diversity actions in the Federal courts.” *Brown v. Ford Motor Co.*, 10 F. App'x 39, 47 (4th Cir. 2001) (citing *Scott v. Sears, Roebuck & Co.*, 789 F.2d 1052, 1054 (4th Cir. 1986)). Under Rule 402 of the Federal Rules of Evidence, relevant evidence is generally admissible at trial. “Evidence is relevant if: (a) it has any tendency to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence in determining the action.” Fed. R. Evid. 401. In consideration of the foregoing, the court makes the following preliminary rulings on Plaintiff's specific objections to Defendant's Exhibits:

Exhibit Designated by Defendant	Plaintiff's Objection	The Court's Ruling
3	Irrelevant, Lacks Foundation	Held in Abeyance
4	Irrelevant, Lacks Foundation	Held in Abeyance
5	Lacks Foundation, Hearsay, No Probative Value	Held in Abeyance
7	Lacks Foundation, Hearsay, No Probative Value	Overruled
10	Irrelevant	Held in Abeyance
13	Hearsay	Overruled (same as 7)
14	Irrelevant	Overruled

15	Irrelevant	Overruled
17	Irrelevant	Overruled
18	Irrelevant	Overruled
19	Irrelevant	Overruled
20	Irrelevant	Sustained
21	Irrelevant	Held in Abeyance
25	Irrelevant, Lacks Foundation, Lacks Authentication	Sustained
27	Irrelevant	Sustained
31	Irrelevant, Lacks Authentication	Sustained
32	Irrelevant	Sustained
33	Irrelevant	Sustained
35	Hearsay	Held in Abeyance
36	Irrelevant, Lacks Authentication	Sustained
37	Irrelevant	Sustained
38	Irrelevant	Sustained
39	Irrelevant	Sustained
40	Irrelevant	Sustained
44	Hearsay	Held in Abeyance
46	Hearsay	Held in Abeyance
47	Hearsay, Lacks Authentication	Held in Abeyance
49	Hearsay, Lacks Authentication	Held in Abeyance
50	Irrelevant	Overruled
53	Irrelevant	Sustained
62	Irrelevant	Held in Abeyance
63	Irrelevant	Held in Abeyance
66	Hearsay, Lacks Authentication, Lacks Foundation	Held in Abeyance
67	Hearsay, Lacks Authentication, Lacks Foundation	Held in Abeyance
70	Irrelevant	Overruled
71	Irrelevant	Held in Abeyance
72	Irrelevant	Held in Abeyance
73	Irrelevant	Overruled
74	Irrelevant	Overruled
75	Lacks Authentication, Hearsay, Lacks Foundation	Withdrawn
77	Lacks Authentication, Hearsay, Lacks Foundation	Held in Abeyance
78	Irrelevant	Overruled
86	Hearsay, Prejudicial	Held in Abeyance
92	Irrelevant	Held in Abeyance
93	Hearsay, Lacks Foundation, Lacks Authentication	Held in Abeyance

(ECF No. 202-1 at 2–9.)

In order to streamline the presentation of evidence and avoid waste of time, the court expects that Defendant will queue up their Exhibits in accordance with this Order and all other applicable orders. The parties will be allowed to present further arguments regarding Exhibits during trial.

**IT IS SO ORDERED.**



United States District Judge

February 1, 2019  
Columbia, South Carolina